

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEPHEN KELLY,

Plaintiff,

V.

MALLORY REEVES, in her official
capacity,

Defendant.

4:11CV3208

ORDER OF DISMISSAL

This matter is before the court on its own motion. On January 9, 2012, upon initial review I found that Kelly's complaint failed to state a claim upon which relief may be granted. (Filing No. 8.) I gave Kelly the opportunity to amend his claims, and warned Kelly that if he failed to amend his complaint by February 6, 2012, his complaint "will be dismissed without further notice for failure to state a claim upon which relief may be granted." (*Id.* at CM/ECF p. 6.) Kelly has failed to file an amended complaint.

IT IS THEREFORE ORDERED that:

1. Pursuant to 28 U.S.C. § 1915(e)(2)(ii), Stephen Kelly's Pro Se Civil Complaint is dismissed without prejudice because it fails to state a claim upon which relief may be granted.

2. A separate judgment will be entered in accordance with this Order of Dismissal.

Dated February 29, 2012.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge